

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 17-23 are pending, Claims 17-20 having been amended; and Claims 21-23 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,496,510 to Tsukakoshi et al. (hereinafter “the ‘510 patent”).

Claim 17 is directed to a routing control system, comprising:

transfer devices that perform transfer control processing, the transfer devices being connected to form a communication network; and

a routing control device that is remotely located from the transfer devices, to which said transfer devices are connected, said routing control device does not have transfer control processing functionality performed by the transfer devices,

wherein said routing control device has routing control information and transmits the routing control information to said transfer devices,

said transfer devices perform said transfer control processing of packets and transmit the packets to respective transfer devices based on said routing control information transmitted from said routing control device, and

in cases where said transfer devices do not have said routing control information, said transfer devices request transmission of said routing control information thereto from said routing control device.

Regarding the rejection of Claim 17 under 35 U.S.C. § 102(e), the ‘510 patent is directed to a scalable cluster-type router device and configuring method thereof. The ‘510

¹ See, e.g., page 11, line 21 to page 12, line 22; and page 17, line 26 to page 18, line 15 of Applicants’ specification.

patent discusses that communication terminals 26 and routers 25 are connected to a cluster-type router 11. Each of the '510 routers 25 transfer routing protocol packets to or from the cluster-type router 11, and the router 25 generates its own routing table and, based on the table, forwards packets.² In particular, the Office Action cites forwarding unit 15 of the '510 patent for discussing the claimed "transfer devices." Further, the Office Action appears to cite the '510 path calculation unit 14 for teaching the claimed "routing control device."

However, it is respectfully submitted that the '510 patent fails to disclose transfer devices that perform transfer control processing, the transfer devices being connected to form a communication network. Rather, the '510 patent discusses that the forwarding unit 15 forwards packets according to contents of a routing table determined by received update contents of a routing table 22. Further, the '510 patent discusses that the forwarding unit 15 sends packets, **via a node internal bus 16** or **via a node internal bus 16 and node-to-node switch 13**.³ The '510 patent does not disclose that the forwarding unit 15 is connected to form a communication network. Thus, the '510 patent does not disclose transfer devices that perform transfer control processing, the transfer devices being *connected to form a communication network*.

Further, it is respectfully submitted that the '510 patent fails to disclose a routing control device that is remotely located from the transfer devices, to which said transfer devices are connected. Rather, the '510 patent discusses that **each router node 12** is divided basically into a path calculation unit 14, which generates and distributes a routing table used for packet forwarding, and a forwarding unit 15, which forwards packets. Further, the '510 patent discusses that the path calculation unit 14 and the forwarding unit 15 are **connected via a node internal bus 16**.⁴ The '510 patent does not disclose that the path calculation unit 14 is remotely located from the forwarding unit 15. Thus, the '510 patent does not disclose a

² See '510 patent, column 3, lines 43-50.

³ Id. at column 6, lines 4-21.

⁴ Id. at column 4, lines 2-7.

routing control device ***that is remotely located from the transfer devices***, to which said transfer devices are connected.

Further, in the Response to Arguments section, the Office Action asserts that the claim limitations must be given their broadest reasonable interpretation. However, it is noted that MPEP § 2111 states that that “[d]uring patent examination, the pending claims must be “given their broadest reasonable interpretation **consistent with the specification.**” *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). Further, MPEP § 2111 states that “[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that **those skilled in the art would reach.**” *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). For a non-limiting example, Applicants’ specification discloses that each transfer device is physically connected to an adjacent transfer device and a routing control device. Further, the specification discloses that each of the transfer devices perform packet transfer processing while the routing control device performs routing control of the transferred packets.⁵ Thus, it is respectfully submitted that the interpretation asserted by the Office Action (*i.e.*, the forwarding unit 15 teaches the claimed “transfer devices”; and the path calculation unit 14 teaches the claimed “routing control device”) is not consistent with the specification and the interpretation that those skilled in the art would reach.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over the ‘510 patent.

Claim 19 recites, in part,

a routing processing unit configured to determine routing control information relating to packet transfer routes, and to transmit the routing control information to said transfer devices that are remotely located from the routing control device and are connected to form a communication network,

⁵ See, *e.g.*, page 11, line 8 to page 14, line 20 of Applicants’ specification; also see Figure 1.

wherein when a request for transmission of said routing control information is received from one of said transfer devices, said routing control device transmits said routing control information to the one of said transfer devices that requested the transmission, and said routing control device does not have transfer control processing functionality performed by the transfer devices.

Claim 20 recites, in part,

a transfer unit configured to perform said transfer control processing of packets, and to transmit the packets over a communication network formed by the transfer device and a plurality of other transfer devices, based on routing control information transmitted from a routing control device that is remotely located from the transfer device and connected therewith, the transfer unit being configured to request transmission of said routing control information thereto from said routing control device, in cases where the transfer device does not have said routing control information.

As noted above, the '510 patent fails to disclose the transfer devices and the routing control device recited in Claim 17. Thus, the '510 patent fails to disclose the routing control device and the transfer device recited in Claims 19 and 20, respectively. Accordingly, it is respectfully submitted that Claims 19 and 20 patentably define over the '510 patent.

The present amendment also sets forth new Claims 21-23 for examination on the merits. No new matter has been added. It is noted that these more detailed features are not disclosed or suggested by the '510 patent.

Thus, it is respectfully submitted that independent Claims 17, 19, and 20 (and all associated dependent claims) patentably define over the '510 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

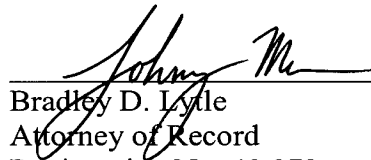
Respectfully submitted,

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